

First Reading: November 1, 2019

Motion to Amend Faculty Personnel Committee Composition and Charge

Proposed Language

1.3.2.4 Faculty Personnel Committee

The faculty personnel committee acts as the appellate committee of the university faculty. To this end, the committee shall hear appeals concerning alleged arbitrary and capricious actions on the part of the administration or a department chairperson that allegedly affect the rights, privileges, continued employment, or academic freedom of a faculty member (see section 2.3). Included among its appellate duties, the committee shall:

- 1) Hear all appeals alleging arbitrary or capricious action arising from the procedures described in section 2.2 (see section 2.2.1.6); ^[1]_[SEP]
- 2) Hear appeals regarding a decision in a harassment case in which a faculty member was accused (See appendix A, section A8). The faculty personnel committee is accountable to the faculty and maintains a dotted line connection to the Faculty Senate for the purposes of policy administration and inter-committee communications. ^[1]_[SEP]

The committee is composed of five tenured faculty members, each serving a five-year term on a staggered basis. The four members elected by the university faculty to represent the four colleges must be at the rank of professor. The fifth member must be an associate professor at the time of his/her ~~their~~ election to the committee. **This fifth member is to be elected at-large by the university faculty. Any tenured faculty member who is serving in an administrative positions as Department Chairperson or as a College Associate Dean shall be ineligible to serve on the Faculty Personnel Committee.** A faculty member may not be reelected to a second full term. The committee member who is senior in years of service represents the personnel committee as a liaison to the Faculty Senate.

In the event the personnel committee decides that any current member should not participate in hearing a particular case because of a conflict of interest, that member shall recuse himself/ herself and the committee shall designate as his/her substitute for that case the former member of the committee who most recently represented the college of the temporarily recused member. If no former committee member of that college is available, the committee will select the most recent former member of the personnel committee who is available to hear the case. As used above, availability implies that the individual is willing to serve and is not recused because of a conflict of interest.

In considering any appeal, the personnel committee is empowered to examine all letters and other documents and to question members of the faculty and the administration for the purpose of establishing facts in the case. The personnel committee may petition the president or the board of trustees for reconsideration of the decision that caused the appeal (see section 2.2.1.6) and representatives of the administration, the personnel committee, and the appealing party may participate in any resultant hearing before the board of trustees or its designated committee.

In addition, the personnel committee has other duties that include:

- 1) Reviewing all decisions to change the tenurability of a faculty position (see section 2.2.1.3); ^[1]_[SEP]
- 2) Considering any move to dismiss a tenured faculty member for cause (see section 2.2.11); ^[1]_[SEP]
- ~~3) Advising the board of trustees on appointments to the office of president and the office of provost and vice president for academic affairs;~~
- ~~4) Advising the president and provost whenever an appointment is to be made to an academic and/or research position at or above the rank of dean (such as, but not limited to, an associate, deputy, or vice provost) without advertising the vacancy and/or without utilizing a search committee;~~ ^[1]_[SEP]

53) Reviewing proposed appointments and making recommendations on those appointments to the administration in cases where a proposed appointment of a visiting faculty member would be for more than two consecutive years (see section 2.2.3). ^[1]_[SEP]

The committee may also assume other duties as delegated by the Faculty Senate or requested by the administration or board of trustees. The committee is authorized to make inquiries that are necessary to carry out its duties. On the basis of the personnel committee's considerations, wherever appropriate, the committee shall derive general principles designed to enhance processes and/or outcomes within its purview and shall report these in writing to the Faculty Senate. The committee shall report to the Faculty Senate at least once a year. The minutes of the committee are sent to the Provost's Office and posted on the Lehigh University Faculty Senate website.

Rationale:

The existing language in R&P 1.3.2.4 predates the implementation of a Faculty Senate. Given the representative duties of the Senate we view this current language to contradict R&P 1.2 by specifying a second faculty body to represent the faculty voice in these specified domains. Section 1.2.3.2 specifically designates the Senate to serve as the faculty voice to the administration and to the Board of Trustees. Section 1.2.3.2 (excerpted below) specifically speaks to the Senate's role in hiring process for college Deans and above.